

John-Mark Zini

From: John-Mark Zini
Sent: Friday, September 27, 2013 9:51 AM
To: 'gerards@branstetterlaw.com'
Cc: Nikki L. Williams
Subject: Fungal Meningitis Subpoenas

Gerard:

I write to ask which subpoenas you are seeking to enforce against Saint Thomas Outpatient Neurosurgical Center, Howell Allen, Dr. Jones, Specialty Surgery Center, and Chattanooga Neurosurgery and Spine.

On June 17, 2013, you served the first version of your subpoenas upon our clients. On July 8, 2013, you served amended subpoenas, and on July 9, 2013, you stated that you intended for the July 8, 2013 subpoenas to comply with Dkt. No. 192 ("Order Granting Plaintiffs Leave to Serve Subpoenas and Qualified Protective Order Regarding Protection of Health Information"). On July 17, 2013, the PSC filed an amended subpoena.

Yesterday, during a hearing before the Honorable Judge Boal, and today, in an email to our office, the PSC stated that they intend to file an additional amended subpoena which would control for purposes of deciding any remaining objections.

Please clarify whether you intend for the PSC's forthcoming amended subpoena to be the subpoena we are to object/respond to. If not, do you intend to issue a new Tennessee-specific "accommodation subpoena" or rely on either the June 17, July 8, or July 17 subpoenas?

Thank you.

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